

Chairperson Bobby Gutierrez  
Vice-Chairperson Leo Gonzalez  
Parliamentarian Kevin Krolczyk

Commissioners  
John Bush  
Cathy Conlee  
Kyle Incardona  
Prentiss Madison  
Reuben Marin  
Robert Swearingen



**\*\* CORRECTED \*\***  
**MINUTES**

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, MAY 19, 2016 – 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

**Disclaimer:** *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription*

**1. CALL TO ORDER.**

Chairperson Gutierrez called the meeting to order at 6:17p.m.

<b>Commissioners</b>	<b>Present</b>	<b>2016 Regular Meetings Held</b>	<b>2016 Regular Meetings Attended</b>	<b>Regular Meetings Held During Last 6 Months</b>	<b>Regular Meetings Attended During Last 6 Months</b>
John Bush	Y	8	8	11	10
Cathy Conlee**	Y	8	6	11	7
Leo Gonzalez	N	8	7	11	9
Bobby Gutierrez	Y	8	8	11	11
Kyle Incardona	Y	8	8	11	11
Kevin Krolczyk	Y	8	7	11	10
Prentiss Madison	Y	8	7	11	10
Reuben Marin**	Y	8	8	11	8
Robert Swearingen	Y	8	5	11	8

\*\* appointed to the Commission effective 1/1/2016

Staff members present: Mr. Thomas Leeper, First Assistant City Attorney; Mr. Randy Haynes, Senior Planner; Ms. Stephanie Doland, Staff Planner; Mr. Matthew Hilgemeier, Staff Planner; Mr. Cody Cravatt, Development Manager; Mr. Ben Strickland, Planning Intern; and Ms. Maria Watson, Planning Intern.

## **2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.**

Chairperson Gutierrez led the pledge.

## **3. HEAR CITIZENS.**

Mr. Raul Santana 104 S. Sterling, Bryan, TX came forward to speak on the recent discussions and actions towards a west side historic preservation overlay district. He wishes for more information and notice if the historic district were to be proposed again.

## **4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.**

No affidavits were filed.

## **5. CONSENT AGENDA.**

**a. Approval of minutes from the workshop and regular meetings on May 5, 2016.**

**b. Easement Release ER16-01: Parc Traditions, LP**

*A request to release a 20-foot wide and approximately 333-foot long portion of a public utility easement extending across Lot 1 in Block 1 of The Traditions Subdivision - Phase 28 at the southeast corner of South Traditions and Club Drives in Bryan, Brazos County, Texas. (R. Haynes)*

**c. Right-of-way Abandonment RA16-03: Alley in Block 43 of Oak Grove Park Subdivision**

*A request to abandon a 20-foot wide and 250-foot long public alley right-of-way extending east-to-west between Turkey Street and Tidwell Avenue in Block 43 of the Oak Grove Park Subdivision in Bryan, Brazos County, Texas. (S. Doland)*

**d. Right-of-way Abandonment RA16-04: Portions of East Pruitt Street and North Washington Avenue**

*A request to abandon approximately 0.064 acres (2,775 square feet) of public street rights-of-way for East Pruitt Street and North Washington Avenue adjoining the southwest corner of Block 32 in the Bryan Original Townsite in Bryan, Brazos County, Texas. (M. Hilgemeier)*

**Commissioner Madison moved to approve the Consent Agenda. Commissioner Krolczyk seconded the motion, and the motion passed unanimously.**

## **6. REQUESTS FOR APPROVAL OF REPLATS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval).**

**a. Replat RP16-11: Block 1 of Fox Addition**

*Proposed Replat of part of Lot 1 in Block 1 of the Fox Addition, being 0.993 acres of land at the south corner of Cavitt Avenue and Helena Street and currently addressed as 3510 Cavitt Avenue in Bryan, Brazos County, Texas. (S. Doland)*

Ms. Doland presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

Mr. Bobby Jones and Ms. Janet Jones, 3514 Cavitt Ave., Bryan, TX, spoke in opposition to the request. Cited concerns included:

- Increase in density
- Privacy
- Bike traffic
- Parking
- Tax value implications
- Investor-owned communities
- Less long-term residents
- Code violations

Commissioner Gutierrez commented that there is a complaint-based approach to violations. Citizens should report them and the City will address.

The public hearing was closed.

**Commissioner Gutierrez moved to approve Replat RP16-11, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Conlee seconded the motion.**

Commissioners commented that their hands are tied based on state requirements but they encourage the creation and maintenance of strong neighborhood associations. Commissioners also commented that Bryan will see a lot of changes in the future with the influx of students.

**The motion passed unanimously.**

**7. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**a. Rezoning RZ15-28: Carter Arden Development LLC**

*A request to amend the development plan of a Planned Development – Mixed Use District (PD-M) on 186.6 acres of land located at the southeast intersection of Bullinger Creek Drive and Thornberry Drive, being Phases 1, 5, 6a, 8, 9, 10, 12, and 15 of the Greenbrier Subdivision and also 117.5 acres of vacant land in the John Austin League, Abstract 2 in Bryan, Brazos County, Texas. (R. Haynes)*

Ms. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approving the request. Commissioners made several statements and asked questions and received responses from staff.

Commissioner Conlee stated that she had a problem with the requests for smaller side setbacks and noted that the P&Z setback committee recommended against reducing side setbacks. Mr.

Haynes responded that in fact the committee had mandated that if future requests for reduction of side building setbacks were made, they should clearly address the issue of fire safety and employ specific measures to mitigate against the resulting lack of open space and increased fire danger. Mr. Haynes went on to say that the applicant had worked with the Bryan Fire Department on the details of the request and received their approval of the plan.

In response to other questions, Mr. Haynes stated that:

- The infrastructure should be able to handle this increase
- There was a 7.5ft. setback previously and thus far development been to that standard.
- The setback is measured from the slab and not the overhang.
- The requirement can be specified by phase if need be
- Planned Developments don't usually lay out the lots
- Variances can be requested

The public hearing was opened.

Mr. and Mrs. Rich Hansen, 7268 Riverstone Drive spoke in opposition to the request. Cited concerns included:

- Phase 2 is adjacent to their property
- Air conditioners and equipment that would no longer be on the side of the houses being developed would be in the back if the request were passed. This would generate a lot of noise for their property
- The potential increase in neighbors abutting the back of their property
- Increase in density and traffic
- Lack of information on the location of the lots that need the changes—the lots adjacent to theirs may not need the changes
- Destruction of the trees by their property

Mr. Steve Arden, 311 Cecilia Loop, College Station, TX, applicant in favor of the request, made himself available for questions. He commented that:

- There are some peculiarities with the ordinance that make this request necessary especially with the depth requirement.
- It's difficult to estimate the number of lots impacted; 9 or so in Phase 6 need the relief provided by this request.
- The cost of home construction has increased. This affects the ratio of construction cost-to-land cost. This is the factor that mainly drives the reduced side setback portion of this request.
- The desire is to have larger houses and not necessarily more lots.
- He would like to avoid any delay in order to move the project forward.

The public hearing was closed.

**Commissioner Madison moved to recommend approval of Rezoning RZ15-28 to the Bryan City Council for only Phases 4, 6A and 6B, amending the request to exclude reduction of lot width for future phases 1, 2, 7, 11, 13 and 14 and approve the reduction in lot width for future phases for phases 4 and 6, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bush seconded the**

**motion.**

Commissioners thanked Mr. Arden for his development efforts and commented that there needs to be a little more information for phases 2 and 7 but don't wish to delay the project.

**The motion passed unanimously.**

**b. Rezoning RZ16-08: John L. and Joan K. Krog**

*A request to change the zoning classification from Commercial District (C-3) to Multiple-Family District (MF), on 15.575 acres of land out of Zeno Phillips League wrapping around the east corner of Leonard Road and North Harvey Mitchell Parkway (FM 2818) in Bryan, Brazos County, Texas. (M. Hilgemeier)*

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approving the request. In response to questions, Mr. Hilgemeier stated that:

- The applicant desires some visibility from the road for the development as opposed to entirely retail
- There is a desire for a mix of uses, especially with Blinn College locating there

The public hearing was opened.

*Commissioner Madison left the meeting at 7:39pm.*

*Commissioner Madison re-entered the meeting at 7:41pm.*

Mr. John Binks, 3011 Hickory Ridge Circle, Bryan, TX, applicant, came forward and spoke in favor of the request and made himself available for questions. He commented that:

- The shape of the land is odd which made drainage difficult
- He needs the multifamily portion of the property to have some frontage on the road
- He also hopes market for the multifamily portion will include young professionals
- He desires to avoid strip mall retail which is why the commercial portions are shaped the way they are
- Developments with retail on the bottom and housing above work better in metropolitan areas

Ms. Donna Druery and Mr. Ray Druery, 3106 Leonard Road, Bryan, TX, Mr. Dave Haverland, 1400 Creek Circle C, Bryan, TX and Mr. Jake Haverland, 1805 Richmond Avenue, Bryan, TX, spoke in opposition to this request. Stated concerns included:

- The ability of the infrastructure to handle the developments
- The inconsistencies with an early press release from Blinn College about the development of the college
- The frequency of accidents in the area
- The need for more of this type of development
- An increase in traffic and drainage issues
- Access problems to the road with future changes from the Texas Department of Transportation

- The back property line and the type of buffer between the multifamily and light industrial uses behind it

The public hearing was closed.

**Commissioner Incardona moved to recommend approval of Rezoning RZ16-08 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Conlee seconded the motion.**

Commissioners commented that there will be many cases coming in the future regarding the incoming growth in Bryan. Commissioners hope staff, residents, and developers can work together to solve problems associated with this growth.

**The motion passed unanimously.**

**8. PROPOSED AMENDMENTS TO THE TEXT OF BRYAN'S CODE OF ORDINANCES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**a. Bryan Code of Ordinances Chapters 62 and 110**

*A recommendation to the Bryan City Council regarding proposed amendments to the text of Bryan Code of Ordinances Chapter 62, Land and Site Development, and Chapter 110, Subdivisions, specifically by adding a definition for "Maintenance Easement" and requiring dedication of such easements on subdivision plats on lots intended for patio/zero lot line home developments. (S. Doland)*

Ms. Doland presented the proposed text amendment to the Bryan Code of Ordinances Chapters 62 and 110. In response to questions, Ms. Doland responded that:

- There is generally not a time limit for maintenance associated with this definition in other cities
- Permission is still needed from the neighbor (owner) to access their private property
- If a building permit were required before this text amendment, it would still be required afterwards
- The easement is not meant for storage or other uses; only access

In response to questions, Mr. Leeper commented that although the City cannot have all the answers for how private citizens deal with each other, the language is common with other cities and will come down to whether the use of the easement is reasonable given the nature of the easement.

The public hearing was opened.

Mr. Bobby Jones 3514 Cavitt Ave., Bryan, TX, spoke regarding concerns about liability. He wondered whether he would theoretically be liable if someone were to be injured in the maintenance easement.

**Commissioner Incardona moved to recommend approval of the proposal to amend the text of Bryan Code of Ordinances Chapters 62 and 110, as presented, specifically by adding a**

**definition for “maintenance easement” and requiring dedication of such easements on subdivision plats on lots intended for patio/zero lot line home developments. Commissioner Krolczyk seconded the motion, and the motion passed unanimously.**

## **9. ADJOURN.**

Without objection, Chairperson Gutierrez adjourned the meeting at 8:20p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the ~~2<sup>nd</sup>~~-7<sup>th</sup> day of ~~July~~ne, 2016.

---

Bobby Gutierrez, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

---

Martin Zimmermann, AICP  
Planning Manager and Secretary to the  
Planning and Zoning Commission